

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HARRY L. SAMUEL,	§
	§
Defendant Below-	§ No. 592, 2009
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 93005924DI
Plaintiff Below-	§
Appellee.	§

Submitted: November 20, 2009

Decided: February 3, 2010

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 3rd day of February 2010, after careful consideration of appellant's opening brief and the State's motion to affirm, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's order dated September 18, 2009. The trial court did not err in concluding that appellant's motion to reduce his 1996 sentence was time-barred and that appellant had failed to establish extraordinary circumstances to warrant consideration of his untimely motion.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/Henry duPont Ridgely
Justice